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Attorneys for Defendants
 and Counterclaimants
 NOVELL, INC. and VOLERA, INC.

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

NETWORK CACHING TECHNOLOGY,
 L.L.C.,

Plaintiff,

v.

NOVELL, INC., VOLERA, INC., AKAMAI
 TECHNOLOGIES, INC., CACHEFLOW, INC.,
 and INKTOMI CORPORATION.

Defendants.

CASE NO.: CV-01-2079 (VRW)

JOINT CASE MANAGEMENT
 CONFERENCE STATEMENT
 AND PROPOSED ORDER

Date: November 14, 2002
 Time: 3:30 p.m.
 Judge: Hon. Vaughn R. Walker
 Location: Courtroom 6, 17th Floor

AND RELATED COUNTERCLAIMS

The parties to the above-entitled action jointly submit this Joint Case Management
 Conference Statement, pursuant to the Court's April 3, 2002 Order Granting Stipulation.

PROCEDURAL POSTURE OF THE CASE

Pursuant to the Court's August 13, 2002 Order, the Court ordered plaintiff Network Caching Technology, L.L.C. ("NCT") to serve revised preliminary infringement contentions ("PICs") by September 15, 2002, in conformance with Patent L.R. 3-1 and the Court's instructions. Based upon stipulation of the parties, the deadline was extended to October 15, 2002. The Court also stayed all discovery in this action until NCT served its revised PICs. NCT served its revised PICs on October 15, 2002.

NCT believes its revised PICs conform to the requirements of Patent L.R. 3-1 and the Court's Order of August 13, 2002. However, upon their review of NCT's third revised preliminary contentions, defendants Novell, Inc. Volera, Inc. Inktomi Corp., and Cacheflow, Inc. (collectively "Defendants")¹ believe that NCT's Third Revised Preliminary Infringement Contentions still fail to conform with the requirements of Patent LR 3-1 and the express order of this Court. As a result, defendants intend to file a Motion to Dismiss The Action For Plaintiff's Failure to Comply with A Court Order Pursuant to Fed. R. Civ. P., R. 41(b) (hereafter "Motion to Dismiss"). At least some defendants also intend to file motions for sanctions based upon same or similar facts to the motion to dismiss and the earlier motion to strike.

Therefore, the parties propose the following case management schedule which sets a briefing schedule as well as a schedule under Patent Local Rules 3 and 4. The parties further propose all discovery be stayed until the hearing on Defendant's motion to dismiss.

¹ Defendant Akamai Technologies, Inc. is not a party to this submission, since they (together with plaintiff) have filed a Stipulation for Dismissal.

PROPOSED SCHEDULING ORDER

DATE	EVENT
December 18, 2002	Opening Brief on Defendants' Motion to Dismiss and any individual defendant's motion for sanctions
January 2, 2003	NCT's Opposition to Defendant's Motion to Dismiss and Motion for sanctions
January 9, 2003	Reply Brief in Support of Defendants' Motion to Dismiss and motion for sanctions
January 23, 2003	Hearing on Defendants' Motion to Dismiss and motion for sanctions
February 24, 2003 (or 30 days after Court's ruling on the Motion to Dismiss, whichever is later)	(1) Defendants' "Preliminary Invalidity Contentions" due. (2) Defendants' related document production due.
March 6, 2003 (or 10 days after Preliminary Invalidity Contentions, whichever is later)	Parties simultaneously exchange list of "Proposed Terms and Claim Elements for Construction"
March 26, 2003 (or 20 days after Exchange of Proposed Terms, whichever is later)	Parties simultaneously exchange "Preliminary Claim Construction and Extrinsic Evidence"

DATE	EVENT
April 24, 2003 (or 60 days after Preliminary Invalidity Contentions, whichever is later)	Joint Claim Construction and Pre-Hearing Statement Due Parties
May 26, 2003 (or 30 days after Joint Claim Construction Statement, whichever is later)	Claim Construction Discovery Closes
June 10, 2003 (or 45 days after Joint Claim Construction Statement, whichever is later)	NCT's Opening Brief on Claim Construction
June 24, 2003 (or 14 days after Opening Brief, whichever is later)	Defendants' Responsive Brief on Claim Construction
July 1, 2003 (or 7 days after Response Brief, whichever is later)	NCT's Reply Brief on Claim Construction
July 17, 2003 (or to be set at least 14 days after Reply Brief at the Court's convenience)	Claim Construction Hearing

1 Dated: November 7, 2002

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

2
3 By: /s/James C. Otteson

4 James C. Otteson

5 Attorneys for Defendant s and
6 Counterclaimants
NOVELL, INC. and VOLERA, INC.

7
8 Dated: November 7, 2002

BLAKELY, SOKOLOFF, TAYLOR &
ZAFMAN, LLP

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10 By: /s/Tarek N. Fahmi

11 Tarek N. Fahmi

12 Attorneys for Defendant and Counterclaimant
13 CACHEFLOW, INC.

14 Dated: November 7, 2002

ORRICK, HERRINGTON & SUTCLIFFE
LLP

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16
17 By: /s/William L. Anthony, Jr.

18 William L. Anthony, Jr.

19 Attorneys for Defendant INKTOMI
CORPORATION

20
21 Dated: November 7, 2002

JONES, DAY, REAVIS & POGUE

22
23 By: /s/Blaney Harper

24 Blaney Harper

25 Attorneys for Plaintiff and Counterclaim-
26 Defendant NETWORK CACHING
TECHNOLOGY, L.L.C.

1 The Joint Case Management Statement and Proposed Order is hereby adopted by the
2 Court as the Case Management Order for this action and the parties are ordered to comply with
3 this Order.

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5 Dated: _____

6 HONORABLE VAUGHN R. WALKER
7 United States District Court Judge
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1 I, James C. Otteson, am the ECF User whose identification and password are being used
2 to file this Joint Case Management Conference Statement And Proposed Order. In compliance
3 with General Order 45.X.B, I hereby attest that Tarek N. Fahmi, William L. Anthony, Jr. and
4 Blaney Harper have concurred in this filing:

5 Dated: November 7, 2002

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7 WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

8
9 By: /s/James C. Otteson
James C. Otteson

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11 Attorneys for Defendants and
Counterclaimants
12 NOVELL, INC. and VOLERA, INC.
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